

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
FIFTEENTH REGION**

ARCELORMITTAL OF LA PLACE, L.L.C.

Employer-Petitioner

and

Case No. 15-UC-160

**UNITED STEEL, PAPER AND FORESTRY,
RUBBER, MANUFACTURING, ENERGY,
INDUSTRIAL AND SERVICE ALLIED
WORKERS INTERNATIONAL UNION, AFL-CIO**

Union

ORDER

Upon a petition filed under Section 9(b) of the National Labor Relations Act, as amended, careful investigation and consideration took place.

Pursuant to the provisions of Section 3(b) of the Act, the Board has delegated its authority in this proceeding to the undersigned Regional Director.

Upon the entire record in this proceeding, the Regional Director finds:

1. The Employer is engaged in commerce within the meaning of the Act, and it will effectuate the purposes of the Act to assert jurisdiction herein.¹
2. The Employer- Petitioner proposed to clarify the bargaining unit as follows: To have the employees at the facility in LaPlace, Louisiana stay in the same single facility bargaining unit as they have been in historically and keep the employees at the other ArcelorMittal LLC facilities in the same multi-facility unit in which they have been historically.
3. Clarification of the bargaining unit is not warranted because 1) there is insufficient evidence of any recent substantial change affecting the previously certified single facility bargaining unit, and 2) the Employer is not requesting any change in the composition of the bargaining unit.

¹ At its LaPlace, Louisiana facility, the Employer is engaged in the business of rolling structural steel products for commercial and industrial customers. During the past year, which period is representative of its annual operations generally, the Employer purchased and received at its LaPlace, Louisiana facility, goods and materials valued in excess of \$50,000 directly from points outside the State of Louisiana.

The facility involved in the instant proceeding is located in La Place, Louisiana. Until mid- 2008, Bayou Steel owned the facility. In mid-2008, Bayou Steel sold the facility to ArcelorMittal, LLC, who as a successor became party to the existing single-facility collective bargaining agreement. Historically, for at least the last twenty years, the employees at the facility in La Place have been represented by the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL-CIO (herein called the Union) in a single facility bargaining unit. The employees at other ArcelorMittal facilities in the Mid-West and Eastern United States are also represented by the Union but in a longstanding multi-facility unit covered by a different collective bargaining agreement.

In *Bethlehem Steel Corp.*, 329 NLRB 243 (1999), the Board held that unit clarification is appropriate when there is evidence of a recent and substantial change affecting the bargaining unit. See *Union Electric*, 217 NLRB 666, 667 (1975) (unit clarification petitions can be used to clarify the scope of a bargaining unit or units following corporate restructuring or other substantial organizational changes). The Board will clarify a unit “where recent significant changes have rendered [an historical] unit inappropriate.” *Lennox Industries*, 308 NLRB 1237 (1992). Regardless of whether the consolidation or division of units is sought, the Board has emphasized that established bargaining units will not be upset unless the changes involved are both substantial and recent. *Batesville Casket Co.*, 283 NLRB 795 (1987).

In the instant case, there is no contention on the part of the Employer-Petitioner that there have been any changes. Further, the Employer-Petitioner cites no authority to establish that a UC proceeding is appropriate to compel the Region to continue the composition of a single facility bargaining unit unchanged. Any issues regarding the appropriateness of combining the single facility unit with the multi-facility unit are more appropriately addressed as a subject of bargaining.

ORDER

The petition in this matter is dismissed.

RIGHT TO REQUEST REVIEW

Pursuant to the provisions of Section 102.67 of the National Labor Relations Board’s Rules and Regulations, Series 8, as amended, you may obtain review of this action by filing a request with the Executive Secretary, National Labor Relations Board, 1099 14th Street, N.W., Washington, D.C. 20570-0001. This request for review must contain a complete statement setting forth the facts and reasons on which it is based.

Pursuant to the Board’s Rules and Regulations, Sections 102.111 – 102.114, concerning the Service and Filing of Papers, the request for review must be received by the Executive Secretary of the Board in Washington, D.C., by close of business on **April 7**,

2010, at 5 p.m. Eastern Time, unless filed electronically. Consistent with the Agency's E-Government initiative, parties are encouraged to file a request for review electronically. If the request for review is filed electronically, it will be considered timely if the transmission of the entire document through the Agency's website is **accomplished by no later than 11:59 p.m. Eastern Time on April 7, 2010.** Please be advised that Section 102.114 of the Board's Rules and Regulations precludes acceptance of a request for review by facsimile transmission. Upon good cause shown, the Board may grant special permission for a longer period within which to file.²

A copy of the request for review must be served on each of the other parties to the proceeding, as well as on the undersigned, in accordance with the requirements of the Board's Rules and Regulations.

Filing a request for review electronically may be accomplished by using the E-Filing system on the Agency's website at www.nlrb.gov. Once the website is accessed, select the E-Gov tab, click on E-Filing and follow the detailed directions. The responsibility for the receipt of the request for review rests exclusively with the sender. A failure to timely file an appeal electronically will not be excused on the basis of a claim that the receiving machine was off-line or unavailable, the sending machine malfunctioned, or for any other electronic-related reason, absent a determination of technical failure of the site, with notice of such posted on the website.

Dated at New Orleans, Louisiana this 24th day of March 2010.

/s/ M. Kathleen McKinney

M. Kathleen McKinney, Regional Director
National Labor Relations Board, Region 15
F. Edward Hebert Federal Building
600 S. Maestri Place, 7th Floor
New Orleans, LA 70130-3408

² A request for extension of time, which may also be filed electronically, should be submitted to the Executive Secretary in Washington, and a copy of such request for extension of time should be submitted to the Regional Director and to each of the other parties to this proceeding. A request for an extension of time must include a statement that a copy has been served on the Regional Director and on each of the other parties to this proceeding in the same manner or a faster manner as that utilized in filing the request with the Board.